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Before the  
Federal Communications Commission  
Washington, D.C. 20554

AUG 10 1998

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Telephone Number Portability	)	CC Docket No. 95-116
	)	
North American Numbering Council	)	NSD-L 98-83
Report on High Volume Call-In Networks	)	

**REPLY COMMENTS OF SBC COMMUNICATIONS INC.**

SBC Communications Inc., on behalf of its telephone subsidiaries, Southwestern Bell Telephone Company, Pacific Bell and Nevada Bell, ("SBC") files these Reply Comments in response to Comments filed by MCI Telecommunications Corp. ("MCI") in the above captioned proceeding related to High Volume Call-In ("HVCI") network issues.<sup>1</sup> SBC agrees with the other commenters that the Commission should adopt the recommendations of the North American Numbering Council ("NANC")<sup>2</sup> without modification and opposes MCI's suggestion that further action or review by NANC or the Commission is warranted.

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<sup>1</sup> In addition to MCI, comments were also filed by Sprint Corporation ("Sprint"), AT&T Corp. ("AT&T"), U.S. West, Inc. ("US WEST") and Ameritech. These Reply Comments do not address the Comments filed by other parties, except to the extent noted above.

<sup>2</sup> North American Numbering Council, Local Number Portability Administration Working Group, "High Volume Call-In Networks" issued February 18, 1998 ("NANC Report").

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**I. THE NANC REPORT REPRESENTS AN INDUSTRY CONSENSUS AND SHOULD BE ADOPTED WITHOUT MODIFICATION.**

With the single exception of MCI, the carriers filing Comments in this proceeding overwhelmingly support the adoption of the NANC recommendations without modification.<sup>3</sup> As it has in past proceedings, MCI takes the position that since it did not achieve all that it desired in the NANC negotiation process, the final agreement reached by the industry as a whole must be disregarded.<sup>4</sup> As was noted by AT&T in its endorsement of the NANC recommendations, [t]he HVCI report reflects the concerns and expertise of—and reasonable compromises and accommodations by—representatives from all sectors of the telecommunications industry."<sup>5</sup> SBC encourages the Commission to defer to the industry consensus and to accept the recommendations of its own advisory group.

MCI argues that the Commission must adopt two conditions in order for the industry solution to be acceptable to MCI: (1) the Commission must authorize that the "non-compliant technical solution" recommended by NANC (and acceptable to all of the other commenting parties) remain in place only until "alternative routing arrangements

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<sup>3</sup> AT&T, pp. 1-2; Sprint, pp. 1-2; Ameritech, pp. 1-2. Although US WEST disputes NANC's authority to make recommendations concerning the assessment or recovery of incremental charges, it supports the overall recommendations. US WEST, pp. 2-4.

<sup>4</sup> As Section 3.1 of the NANC Report makes clear, specific recommendations address concerns expressed by the CLECs with the initial approach and these recommendations "were unanimously agreed upon by the LNPA Working Group membership" which included MCI.

<sup>5</sup> AT&T, pp. 1-2.

can be developed by [the] industry" and (2) the Commission establish a competitively neutral cost recovery mechanism.<sup>6</sup>

First, despite MCI's misrepresentation<sup>7</sup>, the method being recommended by NANC fully complies with the FCC's performance criteria which require that any number portability method not result in unreasonable degradation of service quality when implemented, that there is no degradation of service quality when customers switch carriers, and that the method should efficiently use numbering resources.<sup>8</sup> The method proposed in the NANC Report envisions the same basic network architecture regardless of whether a number is being ported; there is no degradation of service quality. Moreover, contrary to MCI's assertions<sup>9</sup> the method recommended by NANC does not result in inefficient NXX assignments in contravention of the Commission's performance criteria. The NANC proposal does not necessitate the use of a new NXX for customers who are not already assigned a HVCI number. To the contrary, Section 3.4 of the NANC Report provides specific recommendations for the sharing of existing and future HVCI numbering resources with the objective of conserving these resources.

Finally, MCI also states that the proposed method violates the Commission's performance criteria because it is dependent upon route indexing being performed by the

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<sup>6</sup> MCI, p. 1.

<sup>7</sup> MCI, pp. 3-4.

<sup>8</sup> 47 CFR §52.23 (a)(2), (4) and (5).

<sup>9</sup> MCI, pp. 3-4.

former service provider.<sup>10</sup> MCI's argument is unfounded; there is no performance criterion of the nature cited by MCI. Indeed, in its First Memorandum Opinion and Order on Reconsideration<sup>11</sup> the Commission rescinded performance criteria four which stated that any LNP method must "not require telecommunications carriers to rely on databases, other network facilities, or services provided by other telecommunications carriers in order to route calls to the proper termination point."

**II. THE NANC REPORT SHOULD NOT BE ADOPTED SIMPLY AS A TEMPORARY SOLUTION, NOR IS FURTHER REPORTING BY NANC ON HVCI NUMBER PORTABILITY WARRANTED.**

Although it attacks the HVCI number portability method advanced by NANC on behalf of the industry, MCI does not propose an alternative method to the Commission. Rather, it would have the Commission adopt what it argues to be a flawed method, and require NANC to again revisit these issues and submit still another report within 18 months.<sup>12</sup> Seemingly, if NANC believed that further study was warranted, such a proposal would have been included in NANC's final recommendations. Again, only MCI has expressed any dissatisfaction with the solution reached by the NANC, a position contrary to its vote as a NANC LNPA Working Group member.

The industry to date has spent a considerable amount of time and resources analyzing these issues. There simply is no need to dedicate additional resources to this project which might be better spent implementing number portability, particularly since

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<sup>10</sup> MCI, p. 3.

<sup>11</sup> *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, First Memorandum Opinion and Order on Reconsideration, ¶ 19, released March 11, 1997.

<sup>12</sup> MCI, p. 4.

the NANC Report already addresses the concerns expressed by MCI. Section 3.2 of the NANC Report states that any service provider may request modifications to the process of transition to an LRN-based solution following Option 1, if the service provider can provide evidence that the currently proposed method fails to meet the Commission's performance criteria. This provision allows MCI a viable recourse should its speculation that the Commission's criteria will not be met by the NANC method actually transpire, without requiring the further dedication of resources in the absence of such transgressions.

### **III. COSTS FOR THE PROVISION OF DEDICATED HVCI (CHOKE) TRUNK GROUPS ARE CARRIER SPECIFIC COSTS.**

Section 3.3 of the NANC Report provides that each service provider shall be responsible for the provision of network facilities on its side of the interconnection point for the choke trunk groups in order for there to be parity in the incremental costs. Clearly, such costs are not "shared costs" as argued by MCI. Rather, these costs are capable of segregation and assignment to individual carriers. Although these trunk groups are dedicated for HVCI traffic, they are similar to other interconnection trunk groups since their purpose is to deliver traffic between ILEC and CLEC networks. Consistent with the approach recommended by NANC, these costs are carrier specific costs and should be recovered accordingly under the Commission's Cost Recovery Order.<sup>13</sup>

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<sup>13</sup> *In the Matter of Telephone Number Portability*, CC Docket No. 95-116, Third Report and Order, released May 5, 1998 ("Cost Recovery Order").

#### IV. CONCLUSION

SBC joins the other commenters to this proceeding in encouraging the Commission to adopt the NANC Report, without modification. MCI's continuing attempts to overturn an industry consensus, which resulted from a process in which it directly participated, should be ignored. The method proposed by NANC meets the performance criteria adopted by the Commission and provides the best available method for resolving HVCI issues.

Respectfully submitted,

SBC COMMUNICATIONS, INC.

By: Hope Thurrott  
Robert M. Lynch  
Durward D. Dupre  
Hope Thurrott  
One Bell Plaza, Room 3023  
Dallas, Texas 75202

Attorneys for SBC Communications Inc.  
and its Telephone Company Subsidiaries

August 10, 1998

**Certificate of Service**

I, Mary Ann Morris, hereby certify that the foregoing, "Reply Comments of SBC Communications Inc." in CC Docket No. 95-116 has been served on August 10, 1998, to the Parties of Record.

  
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Mary Ann Morris

August 10, 1998

JEANNIE GRIMES  
COMMON CARRIER BUREAU  
FCC  
2000 M STREET NW ROOM 235  
WASHINGTON DC 20554

(5)

CAROLE C HARRIS  
CHRISTINE M GILL  
MCDERMOTT WILL AND EMERY  
600 THIRTEENTH STREET NW SUITE 1200  
WASHINGTON DC 20005

CARESSA D BENNET  
DOROTHY E CUKIER  
BENNET & BENNET, PLLC  
1019 19TH STREET NW SUITE 500  
WASHINGTON DC 20036

RICHARD J METZGER  
EMILY M WILLIAMS  
ALTS  
888 17TH STREET NW  
WASHINGTON DC 20006

WILLIAM L ROUGHTON J  
PRIMECO PERSONAL COMMUNICATIONS INC  
601 13TH STREET NW SUITE 320 SOUTH  
WASHINGTON DC 20005

KEVIN C GALLAGHER  
SENIOR VP-GENERAL COUNSEL & SECY  
360 COMMUNICATIONS COMPANY  
8725 W HIGGINS ROAD  
CHICAGO IL 60631

PETER M CONNOLLY  
KOTEEN & NAFTALIN  
1150 CONNECTICUT AVE NW  
WASHINGTON DC 20036

KATHLEEN Q ABERNATHY  
DAVID A GROSS  
AIRTOUCH COMMUNICATIONS INC  
1818 N STREET NW SUITE 800  
WASHINGTON DC 20036

CATHLEEN A MASSEY  
DOUGLAS I BRANDON  
AT&T WIRELESS  
1150 CONNECTICUT AVE NW 4TH FLOOR  
WASHINGTON DC 20036

ALAN R SHARK PRESIDENT  
AMERICAN MOBILE TELECOMMUNICATIONS  
ASSOCIATION INC  
1150 18TH STREET NW SUITE 250  
WASHINGTON DC 20036



ITS  
1231 20TH STREET NW  
WASHINGTON DC 20036

MARK J OCONNOR  
PIPER & MARBURY LLP  
1200 19TH STREET NW 7TH FLOOR  
WASHINGTON DC 20036

ROBERT SUTHERLAND  
THEODORE R KINGSLEY  
BELLSOUTH CORPORATION  
1155 PEACHTREE STREET SUITE 1700  
ATLANTA GA 30309-3610

GLENN B MANISHIN  
MICHAEL D SPECHT SENIOR ENGINEER  
CHRISTY C. KUNIN  
BLUMENFELD & COHEN-TECHNOLOGY LAW  
GROUP  
1615 M STREET NW SUITE 700  
WASHINGTON DC 20036

GAIL L POLIVY  
ANDRE J LACHANCE  
GTE  
1850 M STREET NW SUITE 1200  
WASHINGTON DC 20036

RICHARD S WHITT  
ANNE F LALENA  
WORLDCOM INC  
1120 CONNECTICUT AVE NW SUITE 400  
WASHINGTON DC 20036

JOHN REARDEN  
MOBEX CORPORATION INC  
1150 18TH STREET NW SUITE 250  
WASHINGTON DC 20036

JOSEPH R ASSONZO  
GENERAL ATTORNEY  
ATTORNEY FOR SPRINT SPECTRUM LP  
D/B/A SPRINT PCS  
4900 MAIN STREET 12TH FLOOR  
KANSAS CITY MO 64112

MARK C ROSENBLUM  
ROY E HOFFINGER  
JAMES H BOLIN  
AT&T CORPORATION  
ROOM F3247H3  
295 NORTH MAPLE AVENUE  
BASKING RIDGE, NJ 07920

MORTON J POSNER  
SWIDLER & BERLIN  
3000 K STREET NW SUITE 300  
WASHINGTON DC 20007-5116

AMERICAN MOBILE TELECOMMUNICATIONS  
ASSOCIATION INC  
ELIZABETH R SACHS  
LUKAS NACE GUTIERREZ & SACHS  
1111 NINETEENTH STREET NW, 12TH FLOOR  
WASHINGTON DC 20036

DONNA M ROBERTS  
MARY DE LUCA  
MCI TELECOMMUNICATIONS CORP  
1801 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20006

JOHN T SCOTT III  
CROWELL & MORING LLP  
1001 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20004

MARIE T BRESLIN  
PATRICIA E KOCH  
JOSEPH J MULIERI  
BELL ATLANTIC  
1300 I STREET NW SUITE 400W  
WASHINGTON DC 20005

DEAN PROCTOR  
VP - REGULATORY AFFAIRS  
1250 RENE-LEVESQUE BLVD WEST  
FOURTH FLOOR  
MONTREAL QUEBEC  
CANADA H3B 4W8

LESLIE VIDEO & STORY  
RICK LESLIE  
211 E GRANE AVENUE  
CHICAGO IL 60611

NEXTEL COMMUNICATIONS INC  
ROBERT S FOOSANER  
VP AND CHIEF REGULATORY OFFICER  
1450 G STREET NW  
SUITE 425  
WASHINGTON DC 20005

MICHAEL J SHORTLEY III  
FRONTIER CORPORATION  
180 S CLINTON AVENUE  
ROCHESTER NY 14646

WILLIAM J SILL  
EVANS & SILL PC  
919 18TH STREET NW, SUITE 700  
WASHINGTON DC 20006

DAVID L SIERADZKI  
HOGAN & HARTSON  
COLUMBIA SQUARE  
555 THIRTEENTH STREET NW  
WASHINGTON DC 20004-1109

JOSEPH R ASSENZO  
GENERAL ATTORNEY  
ATTORNEY FOR SPRINT SPECTRUM LP  
D/B/A SPRINT PCS  
4900 MAIN STREET 12TH FLOOR  
KANSAS CITY, MO 64112

MARK J GOLDEN  
CATHY HANDLEY  
PERSONAL COMMUNICATIONS INDUSTRY  
ASSOCIATION  
500 MONTGOMERY STREET SUITE 700  
ALEXANDRIA VA 22314-1561

JAY C KEITHLEY  
1850 M STREET N W 11TH FLOOR  
WASHINGTON DC 20036-5807

SANDRA K WILLIAMS  
P O BOX 11351  
KANSAS CITY MO 64112

MS MAGALIE ROMAN SALAS  
SECRETARY  
FEDERAL COMMUNICATIONS COMMISSION  
1919 MAIN STREET N W ROOM 222  
WASHINGTON DC 20554

BRENDA CROSBY  
GENERAL MANAGER  
RIO VIRGIN TELEPHONE COMPANY  
P O BOX 189  
ESTACADA OREGON 97023

WENDY S BLUEMLING  
DIRECTOR REGULATORY AFFAIRS &  
PUBLIC POLICY  
SOUTHERN NEW ENGLAND TELEPHONE CO  
227 CHURCH STREET  
NEW HAVEN CT 06510

LORETTA J GARCIA  
DONALD J ELARDO  
MCI TELECOMMUNICATIONS CORP  
1801 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20006

JAMES SCHLICHTING  
CHIEF, COMPETITIVE PRICING DIVISION  
FCC  
1919 M STREET NW ROOM 518(1600C)  
WASHINGTON DC 20554

JAMES LICHFORD  
COMPETITIVE PRICING DIVISION FCC  
1919 M STREET NW ROOM 518  
WASHINGTON DC 20554

JUDITH NITSCHKE  
CHIEF, TARIFF & PRICING ANALYSIS FCC  
1919 M STREET NW ROOM 518  
WASHINGTON DC 20554

JOEL ADER  
RAMONA STEWART  
BELL COMMUNICATIONS RESEARCH  
2101 L STREET NW FLOOR 6  
WASHINGTON DC 20037

PUBLIC REFERENCE ROOM  
TARIFF DIVISION FCC  
1919 M STREET NW ROOM 513  
WASHINGTON DC 20554

FRANK MICHAEL PANEK  
LARRY A PECK  
COUNSEL FOR AMERITECH  
2000 WEST AMERITECH CENTER DRIVE  
ROOM 4H84  
HOFFMAN ESTATES IL 60196-1025

JOHN M GOODMAN  
ATTORNEY FOR BELL ATLANTIC  
1300 I STREET NW  
WASHINGTON DC 20005

DANIEL GONZALEZ  
DIRECTOR REGULATORY AFFAIRS  
NEXTLINK  
1730 RHODE ISLAND AVENUE NW SUITE 1000  
WASHINGTON DC 20036

GERALDINE MATISE  
CHIEF, NETWORK SERVICES DIVISION  
FCC  
COMMON CARRIER BUREAU  
2000 M STREET NW ROOM 235  
WASHINGTON DC 20554

ALVIN MCCLOUD  
FCC COMMON CARRIER BUREAU  
2000 M STREET NW SUITE 235  
WASHINGTON DC 20554

MARIAN GORDON  
NETWORK SERVICES DIVISION  
FCC COMMON CARRIER BUREAU  
2000 M STREET NW  
ROOM 235  
WASHINGTON DC 20554

RICHARD MCKENNA  
GTE SERVICE CORPORATION  
600 HIDDEN RIDGE HQE03J36  
PO BOX 152092  
IRVING TX 75015-2092

TERESA MARRERO  
SENIOR REGULATORY COUNSEL-FEDERAL  
TELEPORT COMMUNICATIONS GROUP  
TWO TELEPORT DRIVE  
SUITE 300  
STATEN ISLAND NY 10311

FREDRIK CEDERQUIST  
MANAGER GOVERNMENT AFFAIRS  
TELEPORT COMMUNICATIONS GROUP  
TWO TELEPORT DRIVE  
SUITE 300  
STATEN ISLAND NY 10311

JAMES T HANNON  
1020 19TH STREET NW SUITE 700  
WASHINGTON DC 20036

MICHAEL K POWELL  
FCC  
1919 M STREET NW  
ROOM 844  
WASHINGTON DC 20554

YVONNE HAWKINS  
FCC  
1919 M STREET NW  
ROOM 518  
WASHINGTON DC 20554

PATRICIA L RAPUCH  
REGULATORY ANALYST  
CINCINNATI BELL  
201 E FOURTH STREET  
PO BOX 2301  
CINCINNATI OHIO 45201-2901

EUGENE J BALDRATE  
VP REGULATORY AFFAIRS  
CINCINNATI BELL  
201 E FOURTH STREET 102-910  
PO BOX 2301  
CINCINNATI OHIO 45201-2301

DONALD W DOWNES  
GLEN ARTHUR  
JACK R GOLDBERG  
CONNECTICUT DEPT OF PUBLIC  
UTILITY CONTROL  
10 FRANKLIN SQUARE  
NEW BRITAIN CT 06051

JOHN W BETKOWSKI III  
LINDA KELLY ARNOLD  
CONNECTICUT DEPT OF PUBLIC  
UTILITY CONTROL  
10 FRANKLIN SQUARE  
NEW BRITAIN CT 06051

JACKIE FOLLIS  
GOVERNMENT AND INDUSTRY AFFAIRS  
8100 NE PARKWAY DRIVE  
VANCOUVER WA

KATHRYN MARIE KRAUSE  
1020 19TH STREET NW  
SUITE 700  
WASHINGTON DC 20036

GEORGE PETRUTSAS  
PAUL J FELDMAN  
FLETCHER HEALD AND HILDRETH PLLC  
1300 NORTH 17TH STREET  
11TH FLOOR  
ARLINGTON VA 22209

VICTORIA A SCHLESINGER  
LAURA H PHILLIPS  
J G HARRINGTON  
DOW LOHNES AND ALBERTSON P L L C  
1200 NEW HAMPSHIRE AVENUE N W  
SUITE 800  
WASHINGTON DC 20036

RAYMOND G BENDER JR  
J G HARRINGTON  
KELLI JAREAU  
DOW LOHNES AND ALBERTSON PLLC  
1200 NEW HAMPSHIRE AVENUE NW  
SUITE 800  
WASHINGTON DC 20036

KARLYN D STANLEY  
COUNSEL FOR MEDIA ONE GROUP INC  
1919 PENNSYLVANIA AVE NW  
SUITE 200  
WASHINGTON DC 20005

BRIAN CONBOY  
THOMAS JONES  
ATTORNEYS FOR TIME WARNER  
COMMUNICATIONS HOLDINGS INC  
THREE LAFAYETTE CENTRE  
1155 21ST STREET N W  
WASHINGTON DC 20036

LAWRENCE E SARJEANT  
LINDA KENT  
KEITH TOWNSEND  
JOHN W HUNTER  
UNITED STATES TELEPHONE ASSOCIATION  
1401 H STREET NW SUITE 600  
WASHINGTON DC 20005

L MARIE GUILLORY  
JILL CANFIELD  
NATIONAL TELEPHONE COOPERATIVE  
ASSOCIATION  
2626 PENNSYLVANIA AVENUE NW  
WASHINGTON DC 20037

RON COMINGDEER  
ATTORNEY FOR OKLAHOMA RURAL  
TELEPHONE COALITION  
6011 N ROBINSON  
OKLAHOMA CITY OK 73118

DON RICHARDS  
ATTORNEY FOR TEXAS STATEWIDE  
TELEPHONE COOP INC  
1722 BROADWAY  
LUBBOCK TX 79401

KATHERINE M HARRIS  
STEPHEN J ROSEN  
WILEY REIN & FIELDING  
1776 K STREET NW  
WASHINGTON DC 20006

PHILLIP F MCCLELLAND  
BARRETT C SHERIDAN  
PENNSYLVANIA OFFICE OF CONSUMER  
ADVOCATE  
555 WALNUT ST 5TH FLOOR FORUM PLACE  
HARRISBURG PA 17101-1923

CYNTHIA B MILLER  
FLORIDA PUBLIC SERVICE COMMISSION  
2540 SHUMARD OAK BOULEVARD  
TALLAHASSEE FLORIDA 32399-0850